



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2193

Introduced 2/10/2023, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/5-3	from Ch. 43, par. 118
235 ILCS 5/6-29	from Ch. 43, par. 144e

Amends the Liquor Control Act of 1934. Creates a brewer shipper's license that allows a person with a brewer, class 1 brewer, class 2 brewer, class 3 brewer, or brewpub license or who is licensed to make beer under the laws of another state to ship beer made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Sets forth provisions concerning application for the license; license fees; third-party providers; taxes; and reporting and other requirements. Makes conforming changes.

LRB103 28600 RPS 54981 b

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 5-1, 5-3, and 6-29 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

7 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
8 Commission shall be of the following classes:

9 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
10 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
11 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
12 6. First Class Winemaker, Class 7. Second Class Winemaker,  
13 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,  
14 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft  
15 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,  
16 Class 14. Class 3 Brewer,

17 (b) Distributor's license,

18 (c) Importing Distributor's license,

19 (d) Retailer's license,

20 (e) Special Event Retailer's license (not-for-profit),

21 (f) Railroad license,

22 (g) Boat license,

23 (h) Non-Beverage User's license,

- 1 (i) Wine-maker's premises license,  
2 (j) Airplane license,  
3 (k) Foreign importer's license,  
4 (l) Broker's license,  
5 (m) Non-resident dealer's license,  
6 (n) Brew Pub license,  
7 (o) Auction liquor license,  
8 (p) Caterer retailer license,  
9 (q) Special use permit license,  
10 (r) Winery shipper's license,  
11 (s) Craft distiller tasting permit,  
12 (t) Brewer warehouse permit,  
13 (u) Distilling pub license,  
14 (v) Craft distiller warehouse permit,  
15 (w) Beer showcase permit,  
16 (x) Brewer shipper's license.

17 No person, firm, partnership, corporation, or other legal  
18 business entity that is engaged in the manufacturing of wine  
19 may concurrently obtain and hold a wine-maker's license and a  
20 wine manufacturer's license.

21 (a) A manufacturer's license shall allow the manufacture,  
22 importation in bulk, storage, distribution and sale of  
23 alcoholic liquor to persons without the State, as may be  
24 permitted by law and to licensees in this State as follows:

25 Class 1. A Distiller may make sales and deliveries of  
26 alcoholic liquor to distillers, rectifiers, importing

1 distributors, distributors and non-beverage users and to no  
2 other licensees.

3 Class 2. A Rectifier, who is not a distiller, as defined  
4 herein, may make sales and deliveries of alcoholic liquor to  
5 rectifiers, importing distributors, distributors, retailers  
6 and non-beverage users and to no other licensees.

7 Class 3. A Brewer may make sales and deliveries of beer to  
8 importing distributors and distributors and may make sales as  
9 authorized under subsection (e) of Section 6-4 of this Act,  
10 including any alcoholic liquor that subsection (e) of Section  
11 6-4 authorizes a brewer to sell in its original package only to  
12 a non-licensee for pick-up by a non-licensee either within the  
13 interior of the brewery premises or at outside of the brewery  
14 premises at a curb-side or parking lot adjacent to the brewery  
15 premises, subject to any local ordinance.

16 Class 4. A first class wine-manufacturer may make sales  
17 and deliveries of up to 50,000 gallons of wine to  
18 manufacturers, importing distributors and distributors, and to  
19 no other licensees. If a first-class wine-manufacturer  
20 manufactures beer, it shall also obtain and shall only be  
21 eligible for, in addition to any current license, a class 1  
22 brewer license, shall not manufacture more than 930,000  
23 gallons of beer per year, and shall not be a member of or  
24 affiliated with, directly or indirectly, a manufacturer that  
25 produces more than 930,000 gallons of beer per year. If the  
26 first-class wine-manufacturer manufactures spirits, it shall

1 also obtain and shall only be eligible for, in addition to any  
2 current license, a class 1 craft distiller license, shall not  
3 manufacture more than 50,000 gallons of spirits per year, and  
4 shall not be a member of or affiliated with, directly or  
5 indirectly, a manufacturer that produces more than 50,000  
6 gallons of spirits per year. A first-class wine-manufacturer  
7 shall be permitted to sell wine manufactured at the  
8 first-class wine-manufacturer premises to non-licensees.

9 Class 5. A second class Wine manufacturer may make sales  
10 and deliveries of more than 50,000 gallons of wine to  
11 manufacturers, importing distributors and distributors and to  
12 no other licensees.

13 Class 6. A first-class wine-maker's license shall allow  
14 the manufacture of up to 50,000 gallons of wine per year, and  
15 the storage and sale of such wine to distributors in the State  
16 and to persons without the State, as may be permitted by law. A  
17 person who, prior to June 1, 2008 (the effective date of Public  
18 Act 95-634), is a holder of a first-class wine-maker's license  
19 and annually produces more than 25,000 gallons of its own wine  
20 and who distributes its wine to licensed retailers shall cease  
21 this practice on or before July 1, 2008 in compliance with  
22 Public Act 95-634. If a first-class wine-maker manufactures  
23 beer, it shall also obtain and shall only be eligible for, in  
24 addition to any current license, a class 1 brewer license,  
25 shall not manufacture more than 930,000 gallons of beer per  
26 year, and shall not be a member of or affiliated with, directly

1 or indirectly, a manufacturer that produces more than 930,000  
2 gallons of beer per year. If the first-class wine-maker  
3 manufactures spirits, it shall also obtain and shall only be  
4 eligible for, in addition to any current license, a class 1  
5 craft distiller license, shall not manufacture more than  
6 50,000 gallons of spirits per year, and shall not be a member  
7 of or affiliated with, directly or indirectly, a manufacturer  
8 that produces more than 50,000 gallons of spirits per year. A  
9 first-class wine-maker holding a class 1 brewer license or a  
10 class 1 craft distiller license shall not be eligible for a  
11 wine-maker's premises license but shall be permitted to sell  
12 wine manufactured at the first-class wine-maker premises to  
13 non-licensees.

14 Class 7. A second-class wine-maker's license shall allow  
15 the manufacture of up to 150,000 gallons of wine per year, and  
16 the storage and sale of such wine to distributors in this State  
17 and to persons without the State, as may be permitted by law. A  
18 person who, prior to June 1, 2008 (the effective date of Public  
19 Act 95-634), is a holder of a second-class wine-maker's  
20 license and annually produces more than 25,000 gallons of its  
21 own wine and who distributes its wine to licensed retailers  
22 shall cease this practice on or before July 1, 2008 in  
23 compliance with Public Act 95-634. If a second-class  
24 wine-maker manufactures beer, it shall also obtain and shall  
25 only be eligible for, in addition to any current license, a  
26 class 2 brewer license, shall not manufacture more than

1 3,720,000 gallons of beer per year, and shall not be a member  
2 of or affiliated with, directly or indirectly, a manufacturer  
3 that produces more than 3,720,000 gallons of beer per year. If  
4 a second-class wine-maker manufactures spirits, it shall also  
5 obtain and shall only be eligible for, in addition to any  
6 current license, a class 2 craft distiller license, shall not  
7 manufacture more than 100,000 gallons of spirits per year, and  
8 shall not be a member of or affiliated with, directly or  
9 indirectly, a manufacturer that produces more than 100,000  
10 gallons of spirits per year.

11 Class 8. A limited wine-manufacturer may make sales and  
12 deliveries not to exceed 40,000 gallons of wine per year to  
13 distributors, and to non-licensees in accordance with the  
14 provisions of this Act.

15 Class 9. A craft distiller license, which may only be held  
16 by a class 1 craft distiller licensee or class 2 craft  
17 distiller licensee but not held by both a class 1 craft  
18 distiller licensee and a class 2 craft distiller licensee,  
19 shall grant all rights conveyed by either: (i) a class 1 craft  
20 distiller license if the craft distiller holds a class 1 craft  
21 distiller license; or (ii) a class 2 craft distiller licensee  
22 if the craft distiller holds a class 2 craft distiller  
23 license.

24 Class 10. A class 1 craft distiller license, which may  
25 only be issued to a licensed craft distiller or licensed  
26 non-resident dealer, shall allow the manufacture of up to

1 50,000 gallons of spirits per year provided that the class 1  
2 craft distiller licensee does not manufacture more than a  
3 combined 50,000 gallons of spirits per year and is not a member  
4 of or affiliated with, directly or indirectly, a manufacturer  
5 that produces more than 50,000 gallons of spirits per year. If  
6 a class 1 craft distiller manufactures beer, it shall also  
7 obtain and shall only be eligible for, in addition to any  
8 current license, a class 1 brewer license, shall not  
9 manufacture more than 930,000 gallons of beer per year, and  
10 shall not be a member of or affiliated with, directly or  
11 indirectly, a manufacturer that produces more than 930,000  
12 gallons of beer per year. If a class 1 craft distiller  
13 manufactures wine, it shall also obtain and shall only be  
14 eligible for, in addition to any current license, a  
15 first-class wine-manufacturer license or a first-class  
16 wine-maker's license, shall not manufacture more than 50,000  
17 gallons of wine per year, and shall not be a member of or  
18 affiliated with, directly or indirectly, a manufacturer that  
19 produces more than 50,000 gallons of wine per year. A class 1  
20 craft distiller licensee may make sales and deliveries to  
21 importing distributors and distributors and to retail  
22 licensees in accordance with the conditions set forth in  
23 paragraph (19) of subsection (a) of Section 3-12 of this Act.  
24 However, the aggregate amount of spirits sold to non-licensees  
25 and sold or delivered to retail licensees may not exceed 5,000  
26 gallons per year.



1           A class 1 craft distiller licensee may sell up to 5,000  
2 gallons of such spirits to non-licensees to the extent  
3 permitted by any exemption approved by the State Commission  
4 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
5 license holder may store such spirits at a non-contiguous  
6 licensed location, but at no time shall a class 1 craft  
7 distiller license holder directly or indirectly produce in the  
8 aggregate more than 50,000 gallons of spirits per year.

9           A class 1 craft distiller licensee may hold more than one  
10 class 1 craft distiller's license. However, a class 1 craft  
11 distiller that holds more than one class 1 craft distiller  
12 license shall not manufacture, in the aggregate, more than  
13 50,000 gallons of spirits by distillation per year and shall  
14 not sell, in the aggregate, more than 5,000 gallons of such  
15 spirits to non-licensees in accordance with an exemption  
16 approved by the State Commission pursuant to Section 6-4 of  
17 this Act.

18           Class 11. A class 2 craft distiller license, which may  
19 only be issued to a licensed craft distiller or licensed  
20 non-resident dealer, shall allow the manufacture of up to  
21 100,000 gallons of spirits per year provided that the class 2  
22 craft distiller licensee does not manufacture more than a  
23 combined 100,000 gallons of spirits per year and is not a  
24 member of or affiliated with, directly or indirectly, a  
25 manufacturer that produces more than 100,000 gallons of  
26 spirits per year. If a class 2 craft distiller manufactures

1 beer, it shall also obtain and shall only be eligible for, in  
2 addition to any current license, a class 2 brewer license,  
3 shall not manufacture more than 3,720,000 gallons of beer per  
4 year, and shall not be a member of or affiliated with, directly  
5 or indirectly, a manufacturer that produces more than  
6 3,720,000 gallons of beer per year. If a class 2 craft  
7 distiller manufactures wine, it shall also obtain and shall  
8 only be eligible for, in addition to any current license, a  
9 second-class wine-maker's license, shall not manufacture more  
10 than 150,000 gallons of wine per year, and shall not be a  
11 member of or affiliated with, directly or indirectly, a  
12 manufacturer that produces more than 150,000 gallons of wine  
13 per year. A class 2 craft distiller licensee may make sales and  
14 deliveries to importing distributors and distributors, but  
15 shall not make sales or deliveries to any other licensee. If  
16 the State Commission provides prior approval, a class 2 craft  
17 distiller licensee may annually transfer up to 100,000 gallons  
18 of spirits manufactured by that class 2 craft distiller  
19 licensee to the premises of a licensed class 2 craft distiller  
20 wholly owned and operated by the same licensee. A class 2 craft  
21 distiller may transfer spirits to a distilling pub wholly  
22 owned and operated by the class 2 craft distiller subject to  
23 the following limitations and restrictions: (i) the transfer  
24 shall not annually exceed more than 5,000 gallons; (ii) the  
25 annual amount transferred shall reduce the distilling pub's  
26 annual permitted production limit; (iii) all spirits

1 transferred shall be subject to Article VIII of this Act; (iv)  
2 a written record shall be maintained by the distiller and  
3 distilling pub specifying the amount, date of delivery, and  
4 receipt of the product by the distilling pub; and (v) the  
5 distilling pub shall be located no farther than 80 miles from  
6 the class 2 craft distiller's licensed location.

7 A class 2 craft distiller shall, prior to transferring  
8 spirits to a distilling pub wholly owned by the class 2 craft  
9 distiller, furnish a written notice to the State Commission of  
10 intent to transfer spirits setting forth the name and address  
11 of the distilling pub and shall annually submit to the State  
12 Commission a verified report identifying the total gallons of  
13 spirits transferred to the distilling pub wholly owned by the  
14 class 2 craft distiller.

15 A class 2 craft distiller license holder may store such  
16 spirits at a non-contiguous licensed location, but at no time  
17 shall a class 2 craft distiller license holder directly or  
18 indirectly produce in the aggregate more than 100,000 gallons  
19 of spirits per year.

20 Class 12. A class 1 brewer license, which may only be  
21 issued to a licensed brewer or licensed non-resident dealer,  
22 shall allow the manufacture of up to 930,000 gallons of beer  
23 per year provided that the class 1 brewer licensee does not  
24 manufacture more than a combined 930,000 gallons of beer per  
25 year and is not a member of or affiliated with, directly or  
26 indirectly, a manufacturer that produces more than 930,000

1 gallons of beer per year. If a class 1 brewer manufactures  
2 spirits, it shall also obtain and shall only be eligible for,  
3 in addition to any current license, a class 1 craft distiller  
4 license, shall not manufacture more than 50,000 gallons of  
5 spirits per year, and shall not be a member of or affiliated  
6 with, directly or indirectly, a manufacturer that produces  
7 more than 50,000 gallons of spirits per year. If a class 1  
8 craft brewer manufactures wine, it shall also obtain and shall  
9 only be eligible for, in addition to any current license, a  
10 first-class wine-manufacturer license or a first-class  
11 wine-maker's license, shall not manufacture more than 50,000  
12 gallons of wine per year, and shall not be a member of or  
13 affiliated with, directly or indirectly, a manufacturer that  
14 produces more than 50,000 gallons of wine per year. A class 1  
15 brewer licensee may make sales and deliveries to importing  
16 distributors and distributors and to retail licensees in  
17 accordance with the conditions set forth in paragraph (18) of  
18 subsection (a) of Section 3-12 of this Act. If the State  
19 Commission provides prior approval, a class 1 brewer may  
20 annually transfer up to 930,000 gallons of beer manufactured  
21 by that class 1 brewer to the premises of a licensed class 1  
22 brewer wholly owned and operated by the same licensee.

23 Class 13. A class 2 brewer license, which may only be  
24 issued to a licensed brewer or licensed non-resident dealer,  
25 shall allow the manufacture of up to 3,720,000 gallons of beer  
26 per year provided that the class 2 brewer licensee does not

1 manufacture more than a combined 3,720,000 gallons of beer per  
2 year and is not a member of or affiliated with, directly or  
3 indirectly, a manufacturer that produces more than 3,720,000  
4 gallons of beer per year. If a class 2 brewer manufactures  
5 spirits, it shall also obtain and shall only be eligible for,  
6 in addition to any current license, a class 2 craft distiller  
7 license, shall not manufacture more than 100,000 gallons of  
8 spirits per year, and shall not be a member of or affiliated  
9 with, directly or indirectly, a manufacturer that produces  
10 more than 100,000 gallons of spirits per year. If a class 2  
11 craft distiller manufactures wine, it shall also obtain and  
12 shall only be eligible for, in addition to any current  
13 license, a second-class wine-maker's license, shall not  
14 manufacture more than 150,000 gallons of wine per year, and  
15 shall not be a member of or affiliated with, directly or  
16 indirectly, a manufacturer that produces more than 150,000  
17 gallons of wine a year. A class 2 brewer licensee may make  
18 sales and deliveries to importing distributors and  
19 distributors, but shall not make sales or deliveries to any  
20 other licensee. If the State Commission provides prior  
21 approval, a class 2 brewer licensee may annually transfer up  
22 to 3,720,000 gallons of beer manufactured by that class 2  
23 brewer licensee to the premises of a licensed class 2 brewer  
24 wholly owned and operated by the same licensee.

25 A class 2 brewer may transfer beer to a brew pub wholly  
26 owned and operated by the class 2 brewer subject to the

1 following limitations and restrictions: (i) the transfer shall  
2 not annually exceed more than 31,000 gallons; (ii) the annual  
3 amount transferred shall reduce the brew pub's annual  
4 permitted production limit; (iii) all beer transferred shall  
5 be subject to Article VIII of this Act; (iv) a written record  
6 shall be maintained by the brewer and brew pub specifying the  
7 amount, date of delivery, and receipt of the product by the  
8 brew pub; and (v) the brew pub shall be located no farther than  
9 80 miles from the class 2 brewer's licensed location.

10 A class 2 brewer shall, prior to transferring beer to a  
11 brew pub wholly owned by the class 2 brewer, furnish a written  
12 notice to the State Commission of intent to transfer beer  
13 setting forth the name and address of the brew pub and shall  
14 annually submit to the State Commission a verified report  
15 identifying the total gallons of beer transferred to the brew  
16 pub wholly owned by the class 2 brewer.

17 Class 14. A class 3 brewer license, which may be issued to  
18 a brewer or a non-resident dealer, shall allow the manufacture  
19 of no more than 465,000 gallons of beer per year and no more  
20 than 155,000 gallons at a single brewery premises, and shall  
21 allow the sale of no more than 6,200 gallons of beer from each  
22 in-state or out-of-state class 3 brewery premises, or 18,600  
23 gallons in the aggregate, to retail licensees, class 1  
24 brewers, class 2 brewers, and class 3 brewers as long as the  
25 class 3 brewer licensee does not manufacture more than a  
26 combined 465,000 gallons of beer per year and is not a member

1 of or affiliated with, directly or indirectly, a manufacturer  
2 that produces more than 465,000 gallons of beer per year to  
3 make sales to importing distributors, distributors, retail  
4 licensees, brewers, class 1 brewers, class 2 brewers, and  
5 class 3 brewers in accordance with the conditions set forth in  
6 paragraph (20) of subsection (a) of Section 3-12. If the State  
7 Commission provides prior approval, a class 3 brewer may  
8 annually transfer up to 155,000 gallons of beer manufactured  
9 by that class 3 brewer to the premises of a licensed class 3  
10 brewer wholly owned and operated by the same licensee. A class  
11 3 brewer shall manufacture beer at the brewer's class 3  
12 designated licensed premises, and may sell beer as otherwise  
13 provided in this Act.

14 (a-1) A manufacturer which is licensed in this State to  
15 make sales or deliveries of alcoholic liquor to licensed  
16 distributors or importing distributors and which enlists  
17 agents, representatives, or individuals acting on its behalf  
18 who contact licensed retailers on a regular and continual  
19 basis in this State must register those agents,  
20 representatives, or persons acting on its behalf with the  
21 State Commission.

22 Registration of agents, representatives, or persons acting  
23 on behalf of a manufacturer is fulfilled by submitting a form  
24 to the Commission. The form shall be developed by the  
25 Commission and shall include the name and address of the  
26 applicant, the name and address of the manufacturer he or she

1 represents, the territory or areas assigned to sell to or  
2 discuss pricing terms of alcoholic liquor, and any other  
3 questions deemed appropriate and necessary. All statements in  
4 the forms required to be made by law or by rule shall be deemed  
5 material, and any person who knowingly misstates any material  
6 fact under oath in an application is guilty of a Class B  
7 misdemeanor. Fraud, misrepresentation, false statements,  
8 misleading statements, evasions, or suppression of material  
9 facts in the securing of a registration are grounds for  
10 suspension or revocation of the registration. The State  
11 Commission shall post a list of registered agents on the  
12 Commission's website.

13 (b) A distributor's license shall allow (i) the wholesale  
14 purchase and storage of alcoholic liquors and sale of  
15 alcoholic liquors to licensees in this State and to persons  
16 without the State, as may be permitted by law; (ii) the sale of  
17 beer, cider, mead, or any combination thereof to brewers,  
18 class 1 brewers, and class 2 brewers that, pursuant to  
19 subsection (e) of Section 6-4 of this Act, sell beer, cider,  
20 mead, or any combination thereof to non-licensees at their  
21 breweries; (iii) the sale of vermouth to class 1 craft  
22 distillers and class 2 craft distillers that, pursuant to  
23 subsection (e) of Section 6-4 of this Act, sell spirits,  
24 vermouth, or both spirits and vermouth to non-licensees at  
25 their distilleries; or (iv) as otherwise provided in this Act.  
26 No person licensed as a distributor shall be granted a



1 non-resident dealer's license.

2 (c) An importing distributor's license may be issued to  
3 and held by those only who are duly licensed distributors,  
4 upon the filing of an application by a duly licensed  
5 distributor, with the Commission and the Commission shall,  
6 without the payment of any fee, immediately issue such  
7 importing distributor's license to the applicant, which shall  
8 allow the importation of alcoholic liquor by the licensee into  
9 this State from any point in the United States outside this  
10 State, and the purchase of alcoholic liquor in barrels, casks  
11 or other bulk containers and the bottling of such alcoholic  
12 liquors before resale thereof, but all bottles or containers  
13 so filled shall be sealed, labeled, stamped and otherwise made  
14 to comply with all provisions, rules and regulations governing  
15 manufacturers in the preparation and bottling of alcoholic  
16 liquors. The importing distributor's license shall permit such  
17 licensee to purchase alcoholic liquor from Illinois licensed  
18 non-resident dealers and foreign importers only. No person  
19 licensed as an importing distributor shall be granted a  
20 non-resident dealer's license.

21 (d) A retailer's license shall allow the licensee to sell  
22 and offer for sale at retail, only in the premises specified in  
23 the license, alcoholic liquor for use or consumption, but not  
24 for resale in any form. Except as provided in Section 6-16,  
25 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
26 remove, or restrict the ability of a holder of a retailer's

1 license to transfer or ship alcoholic liquor to the purchaser  
2 for use or consumption subject to any applicable local law or  
3 ordinance. For the purposes of this Section, "shipping" means  
4 the movement of alcoholic liquor from a licensed retailer to a  
5 consumer via a common carrier. Except as provided in Section  
6 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
7 remove, or restrict the ability of a holder of a retailer's  
8 license to deliver alcoholic liquor to the purchaser for use  
9 or consumption. The delivery shall be made only within 12  
10 hours from the time the alcoholic liquor leaves the licensed  
11 premises of the retailer for delivery. For the purposes of  
12 this Section, "delivery" means the movement of alcoholic  
13 liquor purchased from a licensed retailer to a consumer  
14 through the following methods:

15 (1) delivery within licensed retailer's parking lot,  
16 including curbside, for pickup by the consumer;

17 (2) delivery by an owner, officer, director,  
18 shareholder, or employee of the licensed retailer; or

19 (3) delivery by a third-party contractor, independent  
20 contractor, or agent with whom the licensed retailer has  
21 contracted to make deliveries of alcoholic liquors.

22 Under subsection (1), (2), or (3), delivery shall not  
23 include the use of common carriers.

24 Any retail license issued to a manufacturer shall only  
25 permit the manufacturer to sell beer at retail on the premises  
26 actually occupied by the manufacturer. For the purpose of

1 further describing the type of business conducted at a retail  
2 licensed premises, a retailer's licensee may be designated by  
3 the State Commission as (i) an on premise consumption  
4 retailer, (ii) an off premise sale retailer, or (iii) a  
5 combined on premise consumption and off premise sale retailer.

6 Except for a municipality with a population of more than  
7 1,000,000 inhabitants, a home rule unit may not regulate the  
8 delivery of alcoholic liquor inconsistent with this  
9 subsection. This paragraph is a limitation under subsection  
10 (i) of Section 6 of Article VII of the Illinois Constitution on  
11 the concurrent exercise by home rule units of powers and  
12 functions exercised by the State.

13 Notwithstanding any other provision of this subsection  
14 (d), a retail licensee may sell alcoholic liquors to a special  
15 event retailer licensee for resale to the extent permitted  
16 under subsection (e).

17 (e) A special event retailer's license (not-for-profit)  
18 shall permit the licensee to purchase alcoholic liquors from  
19 an Illinois licensed distributor (unless the licensee  
20 purchases less than \$500 of alcoholic liquors for the special  
21 event, in which case the licensee may purchase the alcoholic  
22 liquors from a licensed retailer) and shall allow the licensee  
23 to sell and offer for sale, at retail, alcoholic liquors for  
24 use or consumption, but not for resale in any form and only at  
25 the location and on the specific dates designated for the  
26 special event in the license. An applicant for a special event

1 retailer license must (i) furnish with the application: (A) a  
2 resale number issued under Section 2c of the Retailers'  
3 Occupation Tax Act or evidence that the applicant is  
4 registered under Section 2a of the Retailers' Occupation Tax  
5 Act, (B) a current, valid exemption identification number  
6 issued under Section 1g of the Retailers' Occupation Tax Act,  
7 and a certification to the Commission that the purchase of  
8 alcoholic liquors will be a tax-exempt purchase, or (C) a  
9 statement that the applicant is not registered under Section  
10 2a of the Retailers' Occupation Tax Act, does not hold a resale  
11 number under Section 2c of the Retailers' Occupation Tax Act,  
12 and does not hold an exemption number under Section 1g of the  
13 Retailers' Occupation Tax Act, in which event the Commission  
14 shall set forth on the special event retailer's license a  
15 statement to that effect; (ii) submit with the application  
16 proof satisfactory to the State Commission that the applicant  
17 will provide dram shop liability insurance in the maximum  
18 limits; and (iii) show proof satisfactory to the State  
19 Commission that the applicant has obtained local authority  
20 approval.

21 Nothing in this Act prohibits an Illinois licensed  
22 distributor from offering credit or a refund for unused,  
23 salable alcoholic liquors to a holder of a special event  
24 retailer's license or the special event retailer's licensee  
25 from accepting the credit or refund of alcoholic liquors at  
26 the conclusion of the event specified in the license.

1 (f) A railroad license shall permit the licensee to import  
2 alcoholic liquors into this State from any point in the United  
3 States outside this State and to store such alcoholic liquors  
4 in this State; to make wholesale purchases of alcoholic  
5 liquors directly from manufacturers, foreign importers,  
6 distributors and importing distributors from within or outside  
7 this State; and to store such alcoholic liquors in this State;  
8 provided that the above powers may be exercised only in  
9 connection with the importation, purchase or storage of  
10 alcoholic liquors to be sold or dispensed on a club, buffet,  
11 lounge or dining car operated on an electric, gas or steam  
12 railway in this State; and provided further, that railroad  
13 licensees exercising the above powers shall be subject to all  
14 provisions of Article VIII of this Act as applied to importing  
15 distributors. A railroad license shall also permit the  
16 licensee to sell or dispense alcoholic liquors on any club,  
17 buffet, lounge or dining car operated on an electric, gas or  
18 steam railway regularly operated by a common carrier in this  
19 State, but shall not permit the sale for resale of any  
20 alcoholic liquors to any licensee within this State. A license  
21 shall be obtained for each car in which such sales are made.

22 (g) A boat license shall allow the sale of alcoholic  
23 liquor in individual drinks, on any passenger boat regularly  
24 operated as a common carrier on navigable waters in this State  
25 or on any riverboat operated under the Illinois Gambling Act,  
26 which boat or riverboat maintains a public dining room or

1 restaurant thereon.

2 (h) A non-beverage user's license shall allow the licensee  
3 to purchase alcoholic liquor from a licensed manufacturer or  
4 importing distributor, without the imposition of any tax upon  
5 the business of such licensed manufacturer or importing  
6 distributor as to such alcoholic liquor to be used by such  
7 licensee solely for the non-beverage purposes set forth in  
8 subsection (a) of Section 8-1 of this Act, and such licenses  
9 shall be divided and classified and shall permit the purchase,  
10 possession and use of limited and stated quantities of  
11 alcoholic liquor as follows:

- 12 Class 1, not to exceed ..... 500 gallons
- 13 Class 2, not to exceed ..... 1,000 gallons
- 14 Class 3, not to exceed ..... 5,000 gallons
- 15 Class 4, not to exceed ..... 10,000 gallons
- 16 Class 5, not to exceed ..... 50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee  
18 that concurrently holds a first-class wine-maker's license to  
19 sell and offer for sale at retail in the premises specified in  
20 such license not more than 50,000 gallons of the first-class  
21 wine-maker's wine that is made at the first-class wine-maker's  
22 licensed premises per year for use or consumption, but not for  
23 resale in any form. A wine-maker's premises license shall  
24 allow a licensee who concurrently holds a second-class  
25 wine-maker's license to sell and offer for sale at retail in  
26 the premises specified in such license up to 100,000 gallons

1 of the second-class wine-maker's wine that is made at the  
2 second-class wine-maker's licensed premises per year for use  
3 or consumption but not for resale in any form. A first-class  
4 wine-maker that concurrently holds a class 1 brewer license or  
5 a class 1 craft distiller license shall not be eligible to hold  
6 a wine-maker's premises license. A wine-maker's premises  
7 license shall allow a licensee that concurrently holds a  
8 first-class wine-maker's license or a second-class  
9 wine-maker's license to sell and offer for sale at retail at  
10 the premises specified in the wine-maker's premises license,  
11 for use or consumption but not for resale in any form, any  
12 beer, wine, and spirits purchased from a licensed distributor.  
13 Upon approval from the State Commission, a wine-maker's  
14 premises license shall allow the licensee to sell and offer  
15 for sale at (i) the wine-maker's licensed premises and (ii) at  
16 up to 2 additional locations for use and consumption and not  
17 for resale. Each location shall require additional licensing  
18 per location as specified in Section 5-3 of this Act. A  
19 wine-maker's premises licensee shall secure liquor liability  
20 insurance coverage in an amount at least equal to the maximum  
21 liability amounts set forth in subsection (a) of Section 6-21  
22 of this Act.

23 (j) An airplane license shall permit the licensee to  
24 import alcoholic liquors into this State from any point in the  
25 United States outside this State and to store such alcoholic  
26 liquors in this State; to make wholesale purchases of

1 alcoholic liquors directly from manufacturers, foreign  
2 importers, distributors and importing distributors from within  
3 or outside this State; and to store such alcoholic liquors in  
4 this State; provided that the above powers may be exercised  
5 only in connection with the importation, purchase or storage  
6 of alcoholic liquors to be sold or dispensed on an airplane;  
7 and provided further, that airplane licensees exercising the  
8 above powers shall be subject to all provisions of Article  
9 VIII of this Act as applied to importing distributors. An  
10 airplane licensee shall also permit the sale or dispensing of  
11 alcoholic liquors on any passenger airplane regularly operated  
12 by a common carrier in this State, but shall not permit the  
13 sale for resale of any alcoholic liquors to any licensee  
14 within this State. A single airplane license shall be required  
15 of an airline company if liquor service is provided on board  
16 aircraft in this State. The annual fee for such license shall  
17 be as determined in Section 5-3.

18 (k) A foreign importer's license shall permit such  
19 licensee to purchase alcoholic liquor from Illinois licensed  
20 non-resident dealers only, and to import alcoholic liquor  
21 other than in bulk from any point outside the United States and  
22 to sell such alcoholic liquor to Illinois licensed importing  
23 distributors and to no one else in Illinois; provided that (i)  
24 the foreign importer registers with the State Commission every  
25 brand of alcoholic liquor that it proposes to sell to Illinois  
26 licensees during the license period, (ii) the foreign importer



1 complies with all of the provisions of Section 6-9 of this Act  
2 with respect to registration of such Illinois licensees as may  
3 be granted the right to sell such brands at wholesale, and  
4 (iii) the foreign importer complies with the provisions of  
5 Sections 6-5 and 6-6 of this Act to the same extent that these  
6 provisions apply to manufacturers.

7 (1) (i) A broker's license shall be required of all  
8 persons who solicit orders for, offer to sell or offer to  
9 supply alcoholic liquor to retailers in the State of Illinois,  
10 or who offer to retailers to ship or cause to be shipped or to  
11 make contact with distillers, craft distillers, rectifiers,  
12 brewers or manufacturers or any other party within or without  
13 the State of Illinois in order that alcoholic liquors be  
14 shipped to a distributor, importing distributor or foreign  
15 importer, whether such solicitation or offer is consummated  
16 within or without the State of Illinois.

17 No holder of a retailer's license issued by the Illinois  
18 Liquor Control Commission shall purchase or receive any  
19 alcoholic liquor, the order for which was solicited or offered  
20 for sale to such retailer by a broker unless the broker is the  
21 holder of a valid broker's license.

22 The broker shall, upon the acceptance by a retailer of the  
23 broker's solicitation of an order or offer to sell or supply or  
24 deliver or have delivered alcoholic liquors, promptly forward  
25 to the Illinois Liquor Control Commission a notification of  
26 said transaction in such form as the Commission may by

1 regulations prescribe.

2 (ii) A broker's license shall be required of a person  
3 within this State, other than a retail licensee, who, for a fee  
4 or commission, promotes, solicits, or accepts orders for  
5 alcoholic liquor, for use or consumption and not for resale,  
6 to be shipped from this State and delivered to residents  
7 outside of this State by an express company, common carrier,  
8 or contract carrier. This Section does not apply to any person  
9 who promotes, solicits, or accepts orders for wine as  
10 specifically authorized in Section 6-29 of this Act.

11 A broker's license under this subsection (1) shall not  
12 entitle the holder to buy or sell any alcoholic liquors for his  
13 own account or to take or deliver title to such alcoholic  
14 liquors.

15 This subsection (1) shall not apply to distributors,  
16 employees of distributors, or employees of a manufacturer who  
17 has registered the trademark, brand or name of the alcoholic  
18 liquor pursuant to Section 6-9 of this Act, and who regularly  
19 sells such alcoholic liquor in the State of Illinois only to  
20 its registrants thereunder.

21 Any agent, representative, or person subject to  
22 registration pursuant to subsection (a-1) of this Section  
23 shall not be eligible to receive a broker's license.

24 (m) A non-resident dealer's license shall permit such  
25 licensee to ship into and warehouse alcoholic liquor into this  
26 State from any point outside of this State, and to sell such

1 alcoholic liquor to Illinois licensed foreign importers and  
2 importing distributors and to no one else in this State;  
3 provided that (i) said non-resident dealer shall register with  
4 the Illinois Liquor Control Commission each and every brand of  
5 alcoholic liquor which it proposes to sell to Illinois  
6 licensees during the license period, (ii) it shall comply with  
7 all of the provisions of Section 6-9 hereof with respect to  
8 registration of such Illinois licensees as may be granted the  
9 right to sell such brands at wholesale by duly filing such  
10 registration statement, thereby authorizing the non-resident  
11 dealer to proceed to sell such brands at wholesale, and (iii)  
12 the non-resident dealer shall comply with the provisions of  
13 Sections 6-5 and 6-6 of this Act to the same extent that these  
14 provisions apply to manufacturers. No person licensed as a  
15 non-resident dealer shall be granted a distributor's or  
16 importing distributor's license.

17 (n) A brew pub license shall allow the licensee to only (i)  
18 manufacture up to 155,000 gallons of beer per year only on the  
19 premises specified in the license, (ii) make sales of the beer  
20 manufactured on the premises or, with the approval of the  
21 Commission, beer manufactured on another brew pub licensed  
22 premises that is wholly owned and operated by the same  
23 licensee to importing distributors, distributors, and to  
24 non-licensees for use and consumption, (iii) store the beer  
25 upon the premises, (iv) sell and offer for sale at retail from  
26 the licensed premises for off-premises consumption no more

1 than 155,000 gallons per year so long as such sales are only  
2 made in-person, (v) sell and offer for sale at retail for use  
3 and consumption on the premises specified in the license any  
4 form of alcoholic liquor purchased from a licensed distributor  
5 or importing distributor, (vi) with the prior approval of the  
6 Commission, annually transfer no more than 155,000 gallons of  
7 beer manufactured on the premises to a licensed brew pub  
8 wholly owned and operated by the same licensee, and (vii)  
9 notwithstanding item (i) of this subsection, brew pubs wholly  
10 owned and operated by the same licensee may combine each  
11 location's production limit of 155,000 gallons of beer per  
12 year and allocate the aggregate total between the wholly  
13 owned, operated, and licensed locations.

14 A brew pub licensee shall not under any circumstance sell  
15 or offer for sale beer manufactured by the brew pub licensee to  
16 retail licensees.

17 A person who holds a class 2 brewer license may  
18 simultaneously hold a brew pub license if the class 2 brewer  
19 (i) does not, under any circumstance, sell or offer for sale  
20 beer manufactured by the class 2 brewer to retail licensees;  
21 (ii) does not hold more than 3 brew pub licenses in this State;  
22 (iii) does not manufacture more than a combined 3,720,000  
23 gallons of beer per year, including the beer manufactured at  
24 the brew pub; and (iv) is not a member of or affiliated with,  
25 directly or indirectly, a manufacturer that produces more than  
26 3,720,000 gallons of beer per year or any other alcoholic

1 liquor.

2 Notwithstanding any other provision of this Act, a  
3 licensed brewer, class 2 brewer, or non-resident dealer who  
4 before July 1, 2015 manufactured less than 3,720,000 gallons  
5 of beer per year and held a brew pub license on or before July  
6 1, 2015 may (i) continue to qualify for and hold that brew pub  
7 license for the licensed premises and (ii) manufacture more  
8 than 3,720,000 gallons of beer per year and continue to  
9 qualify for and hold that brew pub license if that brewer,  
10 class 2 brewer, or non-resident dealer does not simultaneously  
11 hold a class 1 brewer license and is not a member of or  
12 affiliated with, directly or indirectly, a manufacturer that  
13 produces more than 3,720,000 gallons of beer per year or that  
14 produces any other alcoholic liquor.

15 A brew pub licensee may apply for a class 3 brewer license  
16 and, upon ~~meeting~~ ~~(i)~~ meeting all applicable qualifications of this  
17 Act, ~~and~~ relinquishing all commonly owned brew pub or retail  
18 licenses, shall be issued a class 3 brewer license. Nothing in  
19 this Act shall prohibit the issuance of a class 3 brewer  
20 license if the applicant:

21 (1) has a valid retail license on or before May 1,  
22 2021;

23 (2) has an ownership interest in at least two brew  
24 pubs licenses on or before May 1, 2021;

25 (3) the brew pub licensee applies for a class 3 brewer  
26 license on or before October 1, 2022 and relinquishes all

1 commonly owned brew pub licenses; and

2 (4) relinquishes all commonly owned retail licenses on  
3 or before December 31, 2022.

4 If a brew pub licensee is issued a class 3 brewer license,  
5 the class 3 brewer license shall expire on the same date as the  
6 existing brew pub license and the State Commission shall not  
7 require a class 3 brewer licensee to obtain a brewer license,  
8 or in the alternative to pay a fee for a brewer license, until  
9 the date the brew pub license of the applicant would have  
10 expired.

11 (o) A caterer retailer license shall allow the holder to  
12 serve alcoholic liquors as an incidental part of a food  
13 service that serves prepared meals which excludes the serving  
14 of snacks as the primary meal, either on or off-site whether  
15 licensed or unlicensed. A caterer retailer license shall allow  
16 the holder, a distributor, or an importing distributor to  
17 transfer any inventory to and from the holder's retail  
18 premises and shall allow the holder to purchase alcoholic  
19 liquor from a distributor or importing distributor to be  
20 delivered directly to an off-site event.

21 Nothing in this Act prohibits a distributor or importing  
22 distributor from offering credit or a refund for unused,  
23 salable beer to a holder of a caterer retailer license or a  
24 caterer retailer licensee from accepting a credit or refund  
25 for unused, salable beer, in the event an act of God is the  
26 sole reason an off-site event is cancelled and if: (i) the

1 holder of a caterer retailer license has not transferred  
2 alcoholic liquor from its caterer retailer premises to an  
3 off-site location; (ii) the distributor or importing  
4 distributor offers the credit or refund for the unused,  
5 salable beer that it delivered to the off-site premises and  
6 not for any unused, salable beer that the distributor or  
7 importing distributor delivered to the caterer retailer's  
8 premises; and (iii) the unused, salable beer would likely  
9 spoil if transferred to the caterer retailer's premises. A  
10 caterer retailer license shall allow the holder to transfer  
11 any inventory from any off-site location to its caterer  
12 retailer premises at the conclusion of an off-site event or  
13 engage a distributor or importing distributor to transfer any  
14 inventory from any off-site location to its caterer retailer  
15 premises at the conclusion of an off-site event, provided that  
16 the distributor or importing distributor issues bona fide  
17 charges to the caterer retailer licensee for fuel, labor, and  
18 delivery and the distributor or importing distributor collects  
19 payment from the caterer retailer licensee prior to the  
20 distributor or importing distributor transferring inventory to  
21 the caterer retailer premises.

22 For purposes of this subsection (o), an "act of God" means  
23 an unforeseeable event, such as a rain or snow storm, hail, a  
24 flood, or a similar event, that is the sole cause of the  
25 cancellation of an off-site, outdoor event.

26 (p) An auction liquor license shall allow the licensee to

1 sell and offer for sale at auction wine and spirits for use or  
2 consumption, or for resale by an Illinois liquor licensee in  
3 accordance with provisions of this Act. An auction liquor  
4 license will be issued to a person and it will permit the  
5 auction liquor licensee to hold the auction anywhere in the  
6 State. An auction liquor license must be obtained for each  
7 auction at least 14 days in advance of the auction date.

8 (q) A special use permit license shall allow an Illinois  
9 licensed retailer to transfer a portion of its alcoholic  
10 liquor inventory from its retail licensed premises to the  
11 premises specified in the license hereby created; to purchase  
12 alcoholic liquor from a distributor or importing distributor  
13 to be delivered directly to the location specified in the  
14 license hereby created; and to sell or offer for sale at  
15 retail, only in the premises specified in the license hereby  
16 created, the transferred or delivered alcoholic liquor for use  
17 or consumption, but not for resale in any form. A special use  
18 permit license may be granted for the following time periods:  
19 one day or less; 2 or more days to a maximum of 15 days per  
20 location in any 12-month period. An applicant for the special  
21 use permit license must also submit with the application proof  
22 satisfactory to the State Commission that the applicant will  
23 provide dram shop liability insurance to the maximum limits  
24 and have local authority approval.

25 A special use permit license shall allow the holder to  
26 transfer any inventory from the holder's special use premises



1 to its retail premises at the conclusion of the special use  
2 event or engage a distributor or importing distributor to  
3 transfer any inventory from the holder's special use premises  
4 to its retail premises at the conclusion of an off-site event,  
5 provided that the distributor or importing distributor issues  
6 bona fide charges to the special use permit licensee for fuel,  
7 labor, and delivery and the distributor or importing  
8 distributor collects payment from the retail licensee prior to  
9 the distributor or importing distributor transferring  
10 inventory to the retail premises.

11 Nothing in this Act prohibits a distributor or importing  
12 distributor from offering credit or a refund for unused,  
13 salable beer to a special use permit licensee or a special use  
14 permit licensee from accepting a credit or refund for unused,  
15 salable beer at the conclusion of the event specified in the  
16 license if: (i) the holder of the special use permit license  
17 has not transferred alcoholic liquor from its retail licensed  
18 premises to the premises specified in the special use permit  
19 license; (ii) the distributor or importing distributor offers  
20 the credit or refund for the unused, salable beer that it  
21 delivered to the premises specified in the special use permit  
22 license and not for any unused, salable beer that the  
23 distributor or importing distributor delivered to the  
24 retailer's premises; and (iii) the unused, salable beer would  
25 likely spoil if transferred to the retailer premises.

26 (r) A winery shipper's license shall allow a person with a

1 first-class or second-class wine manufacturer's license, a  
2 first-class or second-class wine-maker's license, or a limited  
3 wine manufacturer's license or who is licensed to make wine  
4 under the laws of another state to ship wine made by that  
5 licensee directly to a resident of this State who is 21 years  
6 of age or older for that resident's personal use and not for  
7 resale. Prior to receiving a winery shipper's license, an  
8 applicant for the license must provide the Commission with a  
9 true copy of its current license in any state in which it is  
10 licensed as a manufacturer of wine. An applicant for a winery  
11 shipper's license must also complete an application form that  
12 provides any other information the State Commission deems  
13 necessary. The application form shall include all addresses  
14 from which the applicant for a winery shipper's license  
15 intends to ship wine, including the name and address of any  
16 third party, except for a common carrier, authorized to ship  
17 wine on behalf of the manufacturer. The application form shall  
18 include an acknowledgement consenting to the jurisdiction of  
19 the Commission, the Illinois Department of Revenue, and the  
20 courts of this State concerning the enforcement of this Act  
21 and any related laws, rules, and regulations, including  
22 authorizing the Department of Revenue and the Commission to  
23 conduct audits for the purpose of ensuring compliance with  
24 Public Act 95-634, and an acknowledgement that the wine  
25 manufacturer is in compliance with Section 6-2 of this Act.  
26 Any third party, except for a common carrier, authorized to

1 ship wine on behalf of a first-class or second-class wine  
2 manufacturer's licensee, a first-class or second-class  
3 wine-maker's licensee, a limited wine manufacturer's licensee,  
4 or a person who is licensed to make wine under the laws of  
5 another state shall also be disclosed by the winery shipper's  
6 licensee, and a copy of the written appointment of the  
7 third-party wine provider, except for a common carrier, to the  
8 wine manufacturer shall be filed with the State Commission as  
9 a supplement to the winery shipper's license application or  
10 any renewal thereof. The winery shipper's license holder shall  
11 affirm under penalty of perjury, as part of the winery  
12 shipper's license application or renewal, that he or she only  
13 ships wine, either directly or indirectly through a  
14 third-party provider, from the licensee's own production.

15 Except for a common carrier, a third-party provider  
16 shipping wine on behalf of a winery shipper's license holder  
17 is the agent of the winery shipper's license holder and, as  
18 such, a winery shipper's license holder is responsible for the  
19 acts and omissions of the third-party provider acting on  
20 behalf of the license holder. A third-party provider, except  
21 for a common carrier, that engages in shipping wine into  
22 Illinois on behalf of a winery shipper's license holder shall  
23 consent to the jurisdiction of the State Commission and the  
24 State. Any third-party, except for a common carrier, holding  
25 such an appointment shall, by February 1 of each calendar year  
26 and upon request by the State Commission or the Department of

1 Revenue, file with the State Commission a statement detailing  
2 each shipment made to an Illinois resident. The statement  
3 shall include the name and address of the third-party provider  
4 filing the statement, the time period covered by the  
5 statement, and the following information:

6 (1) the name, address, and license number of the  
7 winery shipper on whose behalf the shipment was made;

8 (2) the quantity of the products delivered; and

9 (3) the date and address of the shipment.

10 If the Department of Revenue or the State Commission requests  
11 a statement under this paragraph, the third-party provider  
12 must provide that statement no later than 30 days after the  
13 request is made. Any books, records, supporting papers, and  
14 documents containing information and data relating to a  
15 statement under this paragraph shall be kept and preserved for  
16 a period of 3 years, unless their destruction sooner is  
17 authorized, in writing, by the Director of Revenue, and shall  
18 be open and available to inspection by the Director of Revenue  
19 or the State Commission or any duly authorized officer, agent,  
20 or employee of the State Commission or the Department of  
21 Revenue, at all times during business hours of the day. Any  
22 person who violates any provision of this paragraph or any  
23 rule of the State Commission for the administration and  
24 enforcement of the provisions of this paragraph is guilty of a  
25 Class C misdemeanor. In case of a continuing violation, each  
26 day's continuance thereof shall be a separate and distinct

1 offense.

2 The State Commission shall adopt rules as soon as  
3 practicable to implement the requirements of Public Act 99-904  
4 and shall adopt rules prohibiting any such third-party  
5 appointment of a third-party provider, except for a common  
6 carrier, that has been deemed by the State Commission to have  
7 violated the provisions of this Act with regard to any winery  
8 shipper licensee.

9 A winery shipper licensee must pay to the Department of  
10 Revenue the State liquor gallonage tax under Section 8-1 for  
11 all wine that is sold by the licensee and shipped to a person  
12 in this State. For the purposes of Section 8-1, a winery  
13 shipper licensee shall be taxed in the same manner as a  
14 manufacturer of wine. A licensee who is not otherwise required  
15 to register under the Retailers' Occupation Tax Act must  
16 register under the Use Tax Act to collect and remit use tax to  
17 the Department of Revenue for all gallons of wine that are sold  
18 by the licensee and shipped to persons in this State. If a  
19 licensee fails to remit the tax imposed under this Act in  
20 accordance with the provisions of Article VIII of this Act,  
21 the winery shipper's license shall be revoked in accordance  
22 with the provisions of Article VII of this Act. If a licensee  
23 fails to properly register and remit tax under the Use Tax Act  
24 or the Retailers' Occupation Tax Act for all wine that is sold  
25 by the winery shipper and shipped to persons in this State, the  
26 winery shipper's license shall be revoked in accordance with

1 the provisions of Article VII of this Act.

2 A winery shipper licensee must collect, maintain, and  
3 submit to the Commission on a semi-annual basis the total  
4 number of cases per resident of wine shipped to residents of  
5 this State. A winery shipper licensed under this subsection  
6 (r) must comply with the requirements of Section 6-29 of this  
7 Act.

8 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
9 Section 3-12, the State Commission may receive, respond to,  
10 and investigate any complaint and impose any of the remedies  
11 specified in paragraph (1) of subsection (a) of Section 3-12.

12 As used in this subsection, "third-party provider" means  
13 any entity that provides fulfillment house services, including  
14 warehousing, packaging, distribution, order processing, or  
15 shipment of wine, but not the sale of wine, on behalf of a  
16 licensed winery shipper.

17 (s) A craft distiller tasting permit license shall allow  
18 an Illinois licensed class 1 craft distiller or class 2 craft  
19 distiller to transfer a portion of its alcoholic liquor  
20 inventory from its class 1 craft distiller or class 2 craft  
21 distiller licensed premises to the premises specified in the  
22 license hereby created and to conduct a sampling, only in the  
23 premises specified in the license hereby created, of the  
24 transferred alcoholic liquor in accordance with subsection (c)  
25 of Section 6-31 of this Act. The transferred alcoholic liquor  
26 may not be sold or resold in any form. An applicant for the

1 craft distiller tasting permit license must also submit with  
2 the application proof satisfactory to the State Commission  
3 that the applicant will provide dram shop liability insurance  
4 to the maximum limits and have local authority approval.

5 (t) A brewer warehouse permit may be issued to the holder  
6 of a class 1 brewer license or a class 2 brewer license. If the  
7 holder of the permit is a class 1 brewer licensee, the brewer  
8 warehouse permit shall allow the holder to store or warehouse  
9 up to 930,000 gallons of tax-determined beer manufactured by  
10 the holder of the permit at the premises specified on the  
11 permit. If the holder of the permit is a class 2 brewer  
12 licensee, the brewer warehouse permit shall allow the holder  
13 to store or warehouse up to 3,720,000 gallons of  
14 tax-determined beer manufactured by the holder of the permit  
15 at the premises specified on the permit. Sales to  
16 non-licensees are prohibited at the premises specified in the  
17 brewer warehouse permit.

18 (u) A distilling pub license shall allow the licensee to  
19 only (i) manufacture up to 5,000 gallons of spirits per year  
20 only on the premises specified in the license, (ii) make sales  
21 of the spirits manufactured on the premises or, with the  
22 approval of the State Commission, spirits manufactured on  
23 another distilling pub licensed premises that is wholly owned  
24 and operated by the same licensee to importing distributors  
25 and distributors and to non-licensees for use and consumption,  
26 (iii) store the spirits upon the premises, (iv) sell and offer

1 for sale at retail from the licensed premises for off-premises  
2 consumption no more than 5,000 gallons per year so long as such  
3 sales are only made in-person, (v) sell and offer for sale at  
4 retail for use and consumption on the premises specified in  
5 the license any form of alcoholic liquor purchased from a  
6 licensed distributor or importing distributor, and (vi) with  
7 the prior approval of the State Commission, annually transfer  
8 no more than 5,000 gallons of spirits manufactured on the  
9 premises to a licensed distilling pub wholly owned and  
10 operated by the same licensee.

11 A distilling pub licensee shall not under any circumstance  
12 sell or offer for sale spirits manufactured by the distilling  
13 pub licensee to retail licensees.

14 A person who holds a class 2 craft distiller license may  
15 simultaneously hold a distilling pub license if the class 2  
16 craft distiller (i) does not, under any circumstance, sell or  
17 offer for sale spirits manufactured by the class 2 craft  
18 distiller to retail licensees; (ii) does not hold more than 3  
19 distilling pub licenses in this State; (iii) does not  
20 manufacture more than a combined 100,000 gallons of spirits  
21 per year, including the spirits manufactured at the distilling  
22 pub; and (iv) is not a member of or affiliated with, directly  
23 or indirectly, a manufacturer that produces more than 100,000  
24 gallons of spirits per year or any other alcoholic liquor.

25 (v) A craft distiller warehouse permit may be issued to  
26 the holder of a class 1 craft distiller or class 2 craft



1 distiller license. The craft distiller warehouse permit shall  
2 allow the holder to store or warehouse up to 500,000 gallons of  
3 spirits manufactured by the holder of the permit at the  
4 premises specified on the permit. Sales to non-licensees are  
5 prohibited at the premises specified in the craft distiller  
6 warehouse permit.

7 (w) A beer showcase permit license shall allow an  
8 Illinois-licensed distributor to transfer a portion of its  
9 beer inventory from its licensed premises to the premises  
10 specified in the beer showcase permit license, and, in the  
11 case of a class 3 brewer, transfer only beer the class 3 brewer  
12 manufactures from its licensed premises to the premises  
13 specified in the beer showcase permit license; and to sell or  
14 offer for sale at retail, only in the premises specified in the  
15 beer showcase permit license, the transferred or delivered  
16 beer for on or off premise consumption, but not for resale in  
17 any form and to sell to non-licensees not more than 96 fluid  
18 ounces of beer per person. A beer showcase permit license may  
19 be granted for the following time periods: one day or less; or  
20 2 or more days to a maximum of 15 days per location in any  
21 12-month period. An applicant for a beer showcase permit  
22 license must also submit with the application proof  
23 satisfactory to the State Commission that the applicant will  
24 provide dram shop liability insurance to the maximum limits  
25 and have local authority approval. The State Commission shall  
26 require the beer showcase applicant to comply with Section

1 6-27.1.

2 (x) A brewer shipper's license shall allow a person with a  
3 brewer, class 1 brewer, class 2 brewer, class 3 brewer, or  
4 brewpub license or who is licensed to make beer under the laws  
5 of another state to ship beer made by that licensee directly to  
6 a resident of this State who is 21 years of age or older for  
7 that resident's personal use and not for resale. Prior to  
8 receiving a brewer shipper's license, an applicant for the  
9 license must provide the State Commission with a true copy of  
10 its current license in any state in which it is licensed as a  
11 manufacturer of beer. An applicant for a brewer shipper's  
12 license must also complete an application form that provides  
13 any other information the State Commission deems necessary.  
14 The application form shall include all addresses from which  
15 the applicant for a brewer shipper's license intends to ship  
16 beer, including the name and address of any third party,  
17 except for a common carrier, authorized to ship beer on behalf  
18 of the licensee. The application form shall include an  
19 acknowledgment consenting to the jurisdiction of the State  
20 Commission, the Department of Revenue, and the courts of this  
21 State concerning the enforcement of this Act and any related  
22 laws, rules, and regulations, including authorizing the  
23 Department of Revenue and the State Commission to conduct  
24 audits for the purpose of ensuring compliance, and an  
25 acknowledgment that the brewer shipper's licensee is in  
26 compliance with Section 6-2 of this Act. Any third party,

1 except for a common carrier, authorized to ship beer on behalf  
2 of a brewer, class 1 brewer, class 2 brewer, class 3 brewer, or  
3 brewpub license, or a person who is licensed to make beer under  
4 the laws of another state shall also be disclosed by the brewer  
5 shipper's licensee, and a copy of the written appointment of  
6 the third-party beer provider, except for a common carrier, to  
7 the beer manufacturer shall be filed with the State Commission  
8 as a supplement to the brewer shipper's license application or  
9 any renewal thereof. The brewer shipper's license holder shall  
10 affirm under penalty of perjury, as part of the brewer  
11 shipper's license application or renewal, that he or she only  
12 ships beer, either directly or indirectly through a  
13 third-party provider, from the licensee's own production.

14 Except for a common carrier, a third-party provider  
15 shipping beer on behalf of a brewer shipper's license holder  
16 is the agent of the brewer shipper's license holder and, as  
17 such, a brewer shipper's license holder is responsible for the  
18 acts and omissions of the third-party provider acting on  
19 behalf of the license holder. A third-party provider, except  
20 for a common carrier, that engages in shipping beer into  
21 Illinois on behalf of a brewer shipper's license holder shall  
22 consent to the jurisdiction of the State Commission and the  
23 State. Any third party, except for a common carrier, holding  
24 such an appointment shall, by February 1 of each calendar year  
25 and upon request by the State Commission or the Department of  
26 Revenue, file with the State Commission a statement detailing

1 each shipment made to an Illinois resident. The statement  
2 shall include the name and address of the third-party provider  
3 filing the statement, the time period covered by the  
4 statement, and the following information:

5 (1) the name, address, and license number of the  
6 brewer shipper on whose behalf the shipment was made;

7 (2) the quantity of the products delivered; and

8 (3) the date and address of the shipment.

9 If the Department of Revenue or the State Commission  
10 requests a statement under this paragraph, the third-party  
11 provider must provide that statement no later than 30 days  
12 after the request is made. Any books, records, supporting  
13 papers, and documents containing information and data relating  
14 to a statement under this paragraph shall be kept and  
15 preserved for a period of 3 years, unless their destruction  
16 sooner is authorized, in writing, by the Director of Revenue,  
17 and shall be open and available to inspection by the Director  
18 of Revenue or the State Commission or any duly authorized  
19 officer, agent, or employee of the State Commission or the  
20 Department of Revenue, at all times during business hours of  
21 the day. Any person who violates any provision of this  
22 paragraph or any rule of the State Commission for the  
23 administration and enforcement of the provisions of this  
24 paragraph is guilty of a Class C misdemeanor. In case of a  
25 continuing violation, each day's continuance thereof shall be  
26 a separate and distinct offense.

1       The State Commission shall adopt rules as soon as  
2 practicable to implement the requirements of this Act and  
3 shall adopt rules prohibiting any such third-party appointment  
4 of a third-party provider, except for a common carrier, that  
5 has been deemed by the State Commission to have violated the  
6 provisions of this Act with regard to any brewer shipper's  
7 licensee.

8       A brewer shipper's licensee must pay to the Department of  
9 Revenue the State liquor gallonage tax under Section 8-1 for  
10 all beer that is sold by the licensee and shipped to a person  
11 in this State. For the purposes of Section 8-1, a brewer  
12 shipper licensee shall be taxed in the same manner as a  
13 manufacturer of beer. A licensee who is not otherwise required  
14 to register under the Retailers' Occupation Tax Act must  
15 register under the Use Tax Act to collect and remit use tax to  
16 the Department of Revenue for all gallons of beer that are sold  
17 by the licensee and shipped to persons in this State. If a  
18 licensee fails to remit the tax imposed under this Act in  
19 accordance with the provisions of Article VIII of this Act,  
20 the brewer shipper's license shall be revoked in accordance  
21 with the provisions of Article VII of this Act. If a licensee  
22 fails to properly register and remit tax under the Use Tax Act  
23 or the Retailers' Occupation Tax Act for all beer that is sold  
24 by the brewer shipper and shipped to persons in this State, the  
25 brewer shipper's license shall be revoked in accordance with  
26 the provisions of Article VII of this Act.

1       A brewer shipper's licensee must collect, maintain, and  
2       submit to the State Commission on a semi-annual basis the  
3       total number of cases per resident of beer shipped to  
4       residents of this State. A brewer shipper licensed under this  
5       subsection (x) must comply with the requirements of Section  
6       6-29 of this Act.

7       Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
8       Section 3-12, the State Commission may receive, respond to,  
9       and investigate any complaint and impose any of the remedies  
10       specified in paragraph (1) of subsection (a) of Section 3-12.

11       As used in this subsection, "third-party provider" means  
12       any entity that provides fulfillment house services, including  
13       warehousing, packaging, distribution, order processing, or  
14       shipment of beer, on behalf of a licensed brewer shipper.

15       (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;  
16       101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.  
17       8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;  
18       102-442, eff. 8-20-21; revised 2-28-22.)

19       (235 ILCS 5/5-3) (from Ch. 43, par. 118)

20       Sec. 5-3. License fees. Except as otherwise provided  
21       herein, at the time application is made to the State  
22       Commission for a license of any class, the applicant shall pay  
23       to the State Commission the fee hereinafter provided for the  
24       kind of license applied for.

25       The fee for licenses issued by the State Commission shall

1 be as follows:

2 Online Initial  
 3 renewal license  
 4 or  
 5 non-online  
 6 renewal

7 For a manufacturer's license:

8	Class 1. Distiller .....	\$4,000	\$5,000
9	Class 2. Rectifier .....	4,000	5,000
10	Class 3. Brewer .....	1,200	1,500
11	Class 4. First-class Wine		
12	Manufacturer .....	1,200	1,500
13	Class 5. Second-class		
14	Wine Manufacturer.....	1,500	1,750
15	Class 6. First-class wine-maker....	1,200	1,500
16	Class 7. Second-class wine-maker ..	1,500	1,750
17	Class 8. Limited Wine		
18	Manufacturer .....	250	350
19	Class 9. Craft Distiller .....	2,000	2,500
20	Class 10. Class 1 Craft Distiller ..	50	75
21	Class 11. Class 2 Craft Distiller ..	75	100
22	Class 12. Class 1 Brewer .....	50	75
23	Class 13. Class 2 Brewer .....	75	100
24	Class 14. Class 3 Brewer .....	25	50
25	For a Brew Pub License .....	1,200	1,500
26	For a Distilling Pub License .....	1,200	1,500

1	For a caterer retailer's license ..	350	500
2	For a foreign importer's license ..	25	25
3	For an importing distributor's		
4	license.....	25	25
5	For a distributor's license		
6	(11,250,000 gallons		
7	or over) .....	1,450	2,200
8	For a distributor's license		
9	(over 4,500,000 gallons, but		
10	under 11,250,000 gallons) .....	950	1,450
11	For a distributor's license		
12	(4,500,000 gallons or under) ..	300	450
13	For a non-resident dealer's license		
14	(500,000 gallons or over)		
15	or with self-distribution		
16	privileges .....	1,200	1,500
17	For a non-resident dealer's license		
18	(under 500,000 gallons) .....	250	350
19	For a wine-maker's premises		
20	license.....	250	500
21	For a winery shipper's license		
22	(under 250,000 gallons) .....	200	350
23	For a winery shipper's license		
24	(250,000 or over, but		
25	under 500,000 gallons) .....	750	1,000
26	For a winery shipper's license		



1	(500,000 gallons or over) .....	1,200	1,500
2	<u>For a brewer shipper's license</u>		
3	<u>(under 250,000 gallons) .....</u>	<u>200</u>	<u>350</u>
4	<u>For a brewer shipper's license</u>		
5	<u>(250,000 or over, but</u>		
6	<u>under 500,000 gallons) .....</u>	<u>750</u>	<u>1,000</u>
7	<u>For a brewer shipper's license</u>		
8	<u>(500,000 gallons or over) .....</u>	<u>1,200</u>	<u>1,500</u>
9	For a wine-maker's premises		
10	license, second location .....	500	1,000
11	For a wine-maker's premises		
12	license, third location.....	500	1,000
13	For a retailer's license .....	600	750
14	For a special event retailer's		
15	license, (not-for-profit).....	25	25
16	For a beer showcase permit license,		
17	one day only .....	100	150
18	2 days or more .....	150	250
19	For a special use permit license,		
20	one day only .....	100	150
21	2 days or more .....	150	250
22	For a railroad license .....	100	150
23	For a boat license .....	500	1,000
24	For an airplane license, times the		
25	licensee's maximum number of		
26	aircraft in flight, serving		

1	liquor over the State at any		
2	given time, which either		
3	originate, terminate, or make		
4	an intermediate stop in		
5	the State.....	100	150
6	For a non-beverage user's license:		
7	Class 1.....	24	24
8	Class 2.....	60	60
9	Class 3.....	120	120
10	Class 4.....	240	240
11	Class 5.....	600	600
12	For a broker's license .....	750	1,000
13	For an auction liquor license .....	100	150
14	For a homebrewer special		
15	event permit .....	25	25
16	For a craft distiller		
17	tasting permit .....	25	25
18	For a BASSET trainer license .....	300	350
19	For a tasting representative		
20	license.....	200	300
21	For a brewer warehouse permit .....	25	25
22	For a craft distiller		
23	warehouse permit .....	25	25
24	Fees collected under this Section shall be paid into the		
25	Dram Shop Fund. The State Commission shall waive license		
26	renewal fees for those retailers' licenses that are designated		

1 as "1A" by the State Commission and expire on or after July 1,  
2 2022, and on or before June 30, 2023. One-half of the funds  
3 received for a retailer's license shall be paid into the Dram  
4 Shop Fund and one-half of the funds received for a retailer's  
5 license shall be paid into the General Revenue Fund.

6 No fee shall be paid for licenses issued by the State  
7 Commission to the following non-beverage users:

8 (a) Hospitals, sanitariums, or clinics when their use  
9 of alcoholic liquor is exclusively medicinal, mechanical  
10 or scientific.

11 (b) Universities, colleges of learning or schools when  
12 their use of alcoholic liquor is exclusively medicinal,  
13 mechanical or scientific.

14 (c) Laboratories when their use is exclusively for the  
15 purpose of scientific research.

16 (Source: P.A. 101-482, eff. 8-23-19; 101-615, eff. 12-20-19;  
17 102-442, eff. 8-20-21; 102-558, eff. 8-20-21; 102-699, eff.  
18 4-19-22.)

19 (235 ILCS 5/6-29) (from Ch. 43, par. 144e)

20 Sec. 6-29. Winery shipper's and brewer shipper's licenses  
21 ~~license~~.

22 (a) The General Assembly declares that the following is  
23 the intent of this Section:

24 (1) To authorize direct shipment of wine or beer by an  
25 out-of-state maker of wine or beer on the same basis

1 permitted an in-state maker of wine or beer pursuant to  
2 the authority of the State under the provisions of Section  
3 2 of the Twenty-First Amendment to the United States  
4 Constitution and in conformance with the United States  
5 Supreme Court decision decided on May 16, 2005 in *Granholm*  
6 *v. Heald*.

7 (2) To reaffirm that the General Assembly's findings  
8 and declarations that selling alcoholic liquor through  
9 various direct marketing means such as catalogs,  
10 newspapers, mailings, and the Internet directly to  
11 consumers of this State poses a serious threat to the  
12 State's efforts to further temperance and prevent youth  
13 from accessing alcoholic liquor and the expansion of youth  
14 access to additional types of alcoholic liquors.

15 (3) To maintain the State's broad powers granted by  
16 Section 2 of the Twenty-First Amendment to the United  
17 States Constitution to control the importation or sale of  
18 alcoholic liquor and its right to structure its alcoholic  
19 liquor distribution system.

20 (4) To ensure that the General Assembly, by  
21 authorizing limited direct shipment of wine or beer to  
22 meet the directives of the United States Supreme Court,  
23 does not intend to impair or modify the State's  
24 distribution of wine or beer through distributors or  
25 importing distributors, but only to permit limited  
26 shipment of wine or beer for personal use.

1 (5) To provide that, in the event that a court of  
2 competent jurisdiction declares or finds that this  
3 Section, which is enacted to conform Illinois law to the  
4 United States Supreme Court decision, is invalid or  
5 unconstitutional, the Illinois General Assembly at its  
6 earliest general session shall conduct hearings and study  
7 methods to conform to any directive or order of the court  
8 consistent with the temperance and revenue collection  
9 purposes of this Act.

10 (b) Notwithstanding any other provision of law, a wine  
11 shipper licensee may ship, for personal use and not for  
12 resale, not more than 12 cases of wine per year to any resident  
13 of this State who is 21 years of age or older.

14 (b-2) Notwithstanding any other provision of law, a brewer  
15 shipper's licensee may ship, for personal use and not for  
16 resale, not more than 12 cases of beer per year to any resident  
17 of this State who is 21 years of age or older.

18 (b-3) Notwithstanding any other provision of law, sale and  
19 shipment by a winery shipper's or brewer shipper's ~~shipper~~  
20 licensee pursuant to this Section shall be deemed to  
21 constitute a sale in this State.

22 (b-5) The shipping container of any wine or beer shipped  
23 under this Section shall be clearly labeled with the following  
24 words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF  
25 AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY  
26 MUST BE SHOWN BEFORE DELIVERY.". This warning must be

1 prominently displayed on the packaging. A licensee shall  
2 require the transporter or common carrier that delivers the  
3 wine or beer to obtain the signature of a person 21 years of  
4 age or older at the delivery address at the time of delivery.  
5 At the expense of the licensee, the licensee shall receive a  
6 delivery confirmation from the express company, common  
7 carrier, or contract carrier indicating the location of the  
8 delivery, time of delivery, and the name and signature of the  
9 individual 21 years of age or older who accepts delivery. The  
10 Commission shall design and create a label or approve a label  
11 that must be affixed to the shipping container by the  
12 licensee.

13 (c) No broker within this State shall solicit consumers to  
14 engage in direct wine or beer shipments under this Section.

15 (d) It is not the intent of this Section to impair the  
16 distribution of wine or beer through distributors or importing  
17 distributors, but only to permit shipments of wine or beer for  
18 personal use.

19 (Source: P.A. 95-634, eff. 6-1-08.)